

145 FERC ¶ 61,188
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Cheryl A. LaFleur, Acting Chairman;
Philip D. Moeller, John R. Norris,
and Tony Clark.

Entergy Services, Inc.

Docket No. ER11-2161-003

ORDER DISMISSING REQUEST FOR CLARIFICATION OR REHEARING

(Issued December 2, 2013)

1. On June 10, 2013, Entergy Services, Inc. (Entergy), on behalf of Entergy Texas, Inc. (Entergy Texas), filed a request for clarification or, alternatively, rehearing of the Commission's opinion issued on May 10, 2013 in this proceeding.¹ For the reasons discussed below, the Commission dismisses Entergy's request for clarification or rehearing as moot.

I. Background

2. In Opinion No. 526, the Commission approved revised depreciation rates for Entergy Texas for use in all applicable formula rates. The Commission affirmed the Initial Decision² and found the revisions to the depreciation rates as adopted by the Presiding Judge to be just and reasonable. The Commission also directed Entergy to make refunds with interest in accordance with section 35.19(a) of the Commission's regulations³ within 30 days of the date of the final order, and to submit a refund report within 30 days thereafter.⁴ The Commission stated that these refunds should reflect any over-recovery to the extent that the filed rates reflect an increase in depreciation rates in excess of the depreciation rates reflected in the Srinivasa study.⁵ On July 9, 2013, in

¹ *Entergy Servs., Inc.*, 143 FERC ¶ 61,116 (2013) (Opinion No. 526).

² *Entergy Servs., Inc.*, 138 FERC ¶ 63,010 (2012).

³ 18 C.F.R. § 35.19(a) (2013).

⁴ Opinion No. 526, 143 FERC ¶ 61,116 at P 92.

⁵ *Id.*

Docket No. ER11-2119-000, Entergy submitted for filing a refund report to comply with the Commission's order issued in Opinion No. 526.

II. Discussion

A. Request for Clarification and Request for Rehearing

3. Entergy seeks clarification or, alternatively, rehearing that the Commission's use of standard language in its Hearing Order⁶ and in Opinion No. 526 requiring refunds was intended to apply only to any increases in Entergy Texas' rates.⁷ Entergy maintains that because it in fact filed an overall rate reduction of Entergy Texas' rates, the Commission should further clarify that it did not intend to order any refunds based on the specific rates of this proceeding.

B. Commission Determination

4. The Commission is dismissing Entergy's request for clarification or rehearing as moot. In the July 9, 2013 refund report, Entergy stated that under the "last clean rate doctrine," Entergy's calculation of refunds showed that no refunds are required. Entergy's refund report was accepted.⁸

The Commission orders:

Entergy's request for clarification or rehearing is hereby dismissed as moot, as discussed in the body of the order.

By the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

⁶ *Entergy Servs., Inc.*, 134 FERC ¶ 61,079 (2011).

⁷ Entergy Rehearing Request at 3.

⁸ *Entergy Servs., Inc.*, Docket Nos. ER11-2119-000 and ER11-2161-000 (Nov. 5, 2013) (delegated letter order).